

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

<p>JERSEY MIKE'S FRANCHISE SYSTEMS, INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>AMERICAN ARBITRATION ASSOCIATION, INC., OPHELIA AUGUSTINE, CECILIA LAHR, and ALEXANDER LUCE,</p> <p>Defendants.</p>	<p>Civ. 23-03444 (ZNQ) (TJB)</p> <p>ORDER</p>
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QURAISHI, District Judge

THIS MATTER comes before the Court by a Motion to Dismiss (“MTD”, ECF No. 39) filed by Defendants Ophelia Augustine (“Augustine”), Cecelia Lahr (“Lahr”), and Alexander Luce (“Luce”), (together the “Claimants” or “Individual Defendants”)¹ the First Amended Complaint (“FAC,” ECF No. 22) filed by Plaintiff Jersey Mike’s Franchise System’s (“Plaintiff” or “Jersey Mike’s”). In support of the MTD, Individual Defendants filed a brief alleging lack of subject matter jurisdiction under Federal Rule of Civil Procedure (“Rule”) 12(b)(1) (“MTD Br.,” ECF No. 39-3). Plaintiff opposed (“Opp.,” ECF No. 51) and the Individual Defendants replied (“Reply,” ECF No. 54). The Court has carefully considered the parties’ submissions and decides the Motion without oral argument pursuant to Federal Rule of Civil Procedure (“Rule”) 78 and Local Civil Rule 78.1. For the reasons set forth in the accompanying Opinion,

¹ The American Arbitration Association (“AAA”, together with the Individual Defendants, the “Defendants”) is also a Defendant in this matter. The AAA is not a party to this Motion to Dismiss. The AAA has asked for and been granted four extensions of time to respond to the FAC, pending resolution of the question of subject matter jurisdiction raised by the Individual Defendants’ motion to dismiss. (ECF No. 58.)

IT IS on this **31st** day of **May, 2024**,

ORDERED that all Counts against the AAA are hereby **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Counts II, III, IV, V, VII, XII, XIV, XV against the Individual Defendants are **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Counts I, VI, VIII, IX-XI, XIII are **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that the Clerk is instructed to mark this matter **CLOSED**.

s/ Zahid N. Quraishi
ZAHID N. QURAISHI
UNITED STATES DISTRICT JUDGE